

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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NEW YORK CITY TRANSIT AUTHORITY,	:
	:
Plaintiff,	:
	:
v.	:
	:
EXPRESS SCRIPTS, INC.	:
	:
Defendant.	:
-----X	

Case No. 1:19-cv-5196-JMF

DECLARATION OF VINCE KOZLOWSKI

Vince Kozlowski, being duly sworn, deposes and says:

1. I am a Vice President in the Health and Benefits Department of Aon, a professional services firm, and have worked on the New York City Transit Authority (“NYCTA”) account since October 30, 2014, including during the NYCTA’s contract with Express Scripts, Inc. (“ESI”) between April 1, 2016 and May 31, 2019 (“Contract”). Throughout my time working on the NYCTA account, I worked directly with Ken McCabe, who is no longer with Aon as of April 30, 2021.

2. I submit this affidavit to provide the Court with summary charts of the compound prescription claims authorized and filled for NYCTA members by certain pharmacies and prescribers during the Contract term. I created the summary charts from the NYCTA’s raw claims data. Express Scripts provided Aon with the NYCTA’s raw claims data on a quarterly basis during its contract term with the NYCTA.

3. Attached as Exhibit A is a summary chart reflecting the NYCTA’s monthly compound claims expenditures over the course of the contract term. The three columns delineate those expenditures by: (i) pharmacies and prescribers the NYCTA “blocked” from filling and

authorizing further prescription claims; (ii) “other” pharmacies and prescribers the NYCTA did not block from filling and authorizing prescription claims; and (iii) the “total” value from all pharmacies and prescribers.

4. Attached as Exhibit B is a summary chart reflecting the NYCTA’s monthly compound claims expenditures over the course of the contract term authorized by Dr. Jaimy Honig, Dr. Mitchell Cohen, or filled by Fusion Specialty Pharmacy. The five columns delineate those expenditures by various combinations of prescriber and pharmacy to compare: (i) the value of compound claims authorized by Drs. Honig and Cohen through Fusion Specialty Pharmacy and all other pharmacies, and (ii) the value of compounds filled by Fusion Specialty Pharmacy authorized by Drs. Honig and Cohen and all other prescribers.

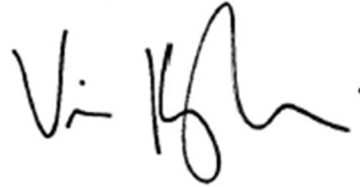
5. Attached as Exhibit C is a summary chart reflecting the value of compound prescriptions authorized by Dr. Mitchell Cohen for NYCTA members broken down by year and pharmacy.

6. Attached as Exhibit D is a summary chart reflecting the value of compound prescriptions authorized by Dr. Jaimy Honig for NYCTA members broken down by year and pharmacy.

7. Attached as Exhibit E is a summary chart reflecting the value of compound prescriptions filled for NYCTA members by 11 specific pharmacies.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing statements made by me are true and correct.

Dated: New York, New York
May 10, 2021

A handwritten signature in black ink, appearing to read "V. Kozlowski", written above a horizontal line.

Vince Kozlowski